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09/892,553

PATENT

**Remarks:**

Reconsideration of the above referenced application in view of the enclosed amendment and remarks is requested. Claims 1, 9, and 17-31 have been amended. Existing claims 1 to 37 remain in the application.

**ARGUMENTS****35 U.S.C. § 101**

Claims 17-30 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is moot based on the above amendments and following discussion.

Independent Claims 17 and 25 has been amended, in part, to recite

A computer readable medium having computer program code stored therein, the code when executed on a processor to cause the processor to perform a method.

It is believed that the computer product claims are now recited in language fully approved by the USPTO and sanctioned by the landmark case *In re Beauregard* (citation omitted). The claim now explicitly recites that the computer code is embodied on a computer readable medium, as suggested by the Examiner. Therefore, Claims 17-30 should now be deemed statutory subject matter.

The Examiner further objects to the description of carrier wave as part of the description of a computer program product. This rejection is moot based on the above amendments. It is well known that just about anything can be described in the specification of a patent, but that the claims define the metes and bounds of the invention. This is true in this case, as well. While the specification gives a broad definition of possible embodiments of the invention, Claims 17 and 25 are limited to computer readable media with computer code stored therein. This limitation clearly directs the subject matter to tangible storage media, and therefore, the Examiner's rejection should be withdrawn.

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35 U.S.C. § 102

Claims 1-37 stand rejected under 35 U.S.C. §102 as being anticipated by USPN 5,760,917 to Sheridan (hereinafter, "Sheridan"). This rejection is respectfully traversed and Claims 1-37 are believed allowable based on the above amendments and the foregoing and following discussion.

The Examiner has misunderstood the scope of the claimed invention. The location-identifying information, as described and claimed, is information associated with an image location. This is not the location of the actual stored electronic image, or where the image was scanned, but the location of where the image was photographed, or rather, the location of the subject of the image. This definition would be apparent to one of skill in the art after reading the disclosure. While it is understood that the Examiner may read the claims broadly, the claims must be read in light of the description of the invention.

The Examiner cites Sheridan at a number of locations. However, after review of the cited text, it seems that the only specific reference to a "location" may be found at Col. 6, lines 60-63. However, Sheridan describes that an identification signal includes a scanner location. Further, the cited text does not mention latitude and longitude identifying information, as the Examiner suggests. It will be understood that there are many ways to identify a location with more or less specificity, include Universal Transverse Mercator (UTM) coordinates, street and postal address information, commercial map grid or page locations, etc. Sheridan does not suggest using Lat/Lon at the cited references. Moreover, at no time does Sheridan associate the location of the image subject with a rule set that determines who should receive an image. A scanner location is not even remotely related to the location of the image subject and therefore, Sheridan fails to distinctly show each and every limitation of the claimed invention. The Examiner has failed to provide a *prima facie* case of anticipation and this rejection must be withdrawn.

However, in an effort to expedite allowance of the claims, Applicants have amended independent Claims 1, 9, 17, 25 and 31 to more clearly recite that the location-identifying information is associated with a physical location of the image subject. Since one of ordinary skill in the art would have understood this definition from reading the specification, this amendment merely provides clarification for the Examiner and does

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not change the meaning or scope of the claims, as intended. Thus, independent Claims 1, 9, 17, 25 and 31 and their progeny are believed allowable and should be permitted to issue at the earliest possible time.

### CONCLUSION

In view of the foregoing, Claims 1 to 37 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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